



Joint Commission on Technology and Science

Virginia Consumer Data Protection Act Work Group

October 25, 2021, at 2:00 p.m.

Pocahontas Building, House Committee Room

<http://dls.virginia.gov/commission/jcots.htm>

The Virginia Consumer Data Protection Act Work Group (the Work Group) of the Joint Commission on Technology and Science (the Joint Commission) met in Richmond with Delegate C.E. Cliff Hayes, Jr., chair, presiding.¹ The meeting began with introductions and opening remarks followed by discussion. Materials presented at the meeting are accessible through the [Joint Commission's meetings webpage](#).

Summary of Work Group

Delegate C.E. Cliff Hayes, Jr.

Delegate Hayes summarized the events leading to the creation of the Work Group. He noted that legislation in Washington state was a starting model for the effort to pass similar data privacy legislation in the Commonwealth and added that two important strategic distinctions that led to the successful passage of the Virginia Consumer Data Protection Act (VCDPA), as opposed to similar legislative efforts in other states other state efforts, remain the exclusion of facial recognition and the enforcement of the law by the Attorney General. He also emphasized the need for comprehensive consumer education about the VCDPA as well as fully funding attorneys and staff within the Office of the Attorney General (OAG) through the upcoming budget process. To that end, Delegate Hayes noted that there are plans to develop a website to educate consumers and offer contact information for the OAG. Senator David W. Marsden pointed out that the Commonwealth has developed the first workable data privacy bill on the state level. He stated that there will be a continuing effort to improve upon the bill during the upcoming legislative session.

Samuel Towell suggested minor changes to the structure of the Consumer Privacy Fund (the Fund) to facilitate funding from day one of the enactment of the VCDPA, noting that, as currently written, the Fund subsidizes enforcement of the VCDPA through the OAG.

Jim Halpert brought to the attention of the Work Group that there are currently minor differences in the requirements of data protection assessments required by the VCDPA as compared to European law. As part of a broader educational effort, he recommended providing sample forms as a guidance tool for smaller companies seeking to comply with the data protection assessments under the VCDPA. Stacey Gray endorsed this model as helpful, and Mr. Towell once again underscored the effectiveness of an office outside of the OAG as part of an initiative to educate consumers and businesses.

¹ **Members Present:** Delegate C.E. Cliff Hayes, Jr. (chair), Senator David W. Marsden (virtual), Evan Feinman, Stacey Gray, Jim Halpert, Keir Lamont, Kate Landers (virtual), Marcus Thornton, Samuel Towell, Dana Wiggins
Members Absent: Gil Bland

Kate Landers, on behalf of U.S. Senator Mark Warner's office, promoted the inclusion of a global privacy control to allow consumers to opt-out on a wide scale and assert their rights under the VCDPA.

Dana Wiggins requested formatting the final report to include a list of the recommendations discussed throughout the five Work Group meetings. Delegate Hayes responded that the report is in draft form and that the list of recommendations will be incorporated into the final version.

Closing Remarks

At the conclusion of the meeting, Delegate Hayes thanked staff and each member of the Work Group individually for their service. He said that the findings and final report will be distributed to members and staff upon completion. Delegate Hayes and Senator Marsden said that they will introduce the official recommendations of the Work Group during the upcoming session of the General Assembly.

For more information, see the [*Joint Commission's website*](#) or contact the Division of Legislative Services staff:

Hassan Abdelhalim, Attorney, DLS
habelhalim@dls.virginia.gov
804-698-1868

